

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

NANCY PLUNK

Plaintiff,

V.

**SHELTER MUTUAL INSURANCE
COMPANY, JOHN PRICE, VCE, INC.,
and JASON PIRTLE**

Defendants.

Case No. C-23-54

JURY DEMAND

MOTION TO DISMISS DEFENDANT, JOHN PRICE

Comes now the Defendant, John Price (“Price”), by and through counsel, and moves this Honorable Court to dismiss with prejudice the allegations against him as filed in Plaintiff’s Complaint, pursuant to Rule 12(b)(6) of the Fed. R. Civ. P. As discussed further in the memorandum filed contemporaneously in support of this Motion, Defendant Price should be dismissed as a matter of law because the claims against contained in Plaintiffs’ Complaint fail as a matter of law. Furthermore, Defendant Price has been improperly joined as a defendant in this case and should be dismissed.

WHEREFORE, Defendant Price respectfully requests this Court grant this motion to dismiss, with prejudice, all claims made by Plaintiff relating to the allegations of violations of Plaintiff's complaint, and for other relief that this Court deems just and proper.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of April, 2023, a true and correct copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U. S. Mail. Parties may access this file through the court's electronic filing system.

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